

## HOUSE BILL NO. 271

INTRODUCED BY M. REINHART

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MONTANA HIGHWAY PATROL OFFICERS FROM FEES CHARGED FOR LICENSE PLATE ISSUANCE, REPLACEMENT, OR TRANSFER; AMENDING SECTIONS 61-3-321, 61-3-333, 61-3-406, 61-3-412, 61-3-415, 61-3-422, 61-3-459, 61-3-465, 61-3-480, AND 61-3-562, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (19):

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 or less years old, \$217;

(b) if the vehicle is 5 through 10 years old, \$87; and

(c) if the vehicle is 11 or more years old, \$28;

(3) Except as provided in subsection (14), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, \$61.25; or

(b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, \$10; and

(b) under 2,850 pounds, \$5.

(5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

(iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of \$237.50; and

(ii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.

(8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, \$72; and

(b) 16 feet in length or longer, \$152.

(10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (14), the one-time registration fee for a snowmobile is \$60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

1 (A) a fee of \$40.50 in the first year of registration; and

2 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

3 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently  
4 registered and the business is assessed the registration fee imposed in subsection (11)(a).

5 (12) (a) A fee of \$5 must be collected when a new set of standard license plates, a new single standard  
6 license plate, or a replacement set of special license plates required under 61-3-332 is issued.

7 (b) The \$5 fee imposed under this subsection (12) does not apply when previously issued license plates  
8 are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to  
9 which the plates are transferred is not currently registered.

10 (c) The \$5 fee imposed under this subsection (12) is waived for a highway patrol officer who presents  
11 proper identification at the time the plates are issued.

12 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are  
13 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled  
14 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle  
15 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),  
16 (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

17 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,  
18 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,  
19 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new  
20 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under  
21 this section.

22 (15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

23 (16) Except as otherwise provided in this section, revenue collected under this section must be deposited  
24 in the state general fund.

25 (17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the  
26 enumerated vehicles or vessels that constitute inventory of the dealership.

27 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be  
28 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted  
29 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund  
30 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,

the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not be collected.

(19) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

**Section 2.** Section 61-3-333, MCA, is amended to read:

**"61-3-333. Replacing license plates or decals.** (1) Except as provided in ~~subsection~~ subsections (2) and (3), if one or both license plates registered to a motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer or the registration decal for the motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer is mutilated or destroyed, the owner of the registered motor vehicle or trailer may obtain a set of replacement license plates, a replacement license plate, or a duplicate registration decal upon filing a sworn declaration stating that fact and payment of a fee of \$5.

(2) If the owner requests that the replacement license plate or plates bear the same background and license plate number as the plate or plates that were destroyed or mutilated, the duplicate license plate or plates may be issued upon payment of a fee of \$5.

(3) A highway patrol officer who presents proper identification is exempt from the fee imposed under this section."

**Section 3.** Section 61-3-406, MCA, is amended to read:

**"61-3-406. Fees for personalized plates -- disposition.** (1) In addition to all other fees and taxes imposed by law and except as provided in subsection (3), the applicant for a personalized license plate shall pay a fee of \$25 for the original personalized license plate and a fee of \$10 for each transfer or renewal of the personalized license plate.

1 (2) The revenue derived from the fee must be deposited in the state general fund.

2 (3) A highway patrol officer who presents proper identification at the time plates are issued or the fee  
3 is charged is exempt from the fee imposed in this section."

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5 **Section 4.** Section 61-3-412, MCA, is amended to read:

6 **"61-3-412. Display of original Montana license plates on collector's item and general**  
7 **transportation collector's item motor vehicles -- definition -- validation.** (1) As used in 61-3-413 and this  
8 section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331;  
9 section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was  
10 effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the  
11 license plate is authorized to be displayed.

12 (2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor  
13 vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display original  
14 Montana license plates, with validation as required in 61-3-413 or subsection (3) of this section, after:

15 (a) payment of the fee required in subsection (5);

16 (b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the  
17 motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a \$5 fee, receipt of the highway patrol  
18 officer's certification that the officer has determined that:

19 (i) the license plate is legible and meets the requirements of subsection (1); and

20 (ii) in the case of a license plate intended for use on a general transportation collector's item, the license  
21 plate is visible at night;

22 (c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as  
23 provided for in 61-3-411 or 61-3-413; and

24 (d) in the case of a general transportation collector's item application, certification from the department  
25 that a duplicate license plate number does not exist among currently issued license plates.

26 (3) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of subsection  
27 (2), the department shall:

28 (a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

29 (b) issue a validating decal inscribed with:

30 (i) a unique number; and

(ii) the letter:

(A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

(B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

(4) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole trailer license fee of \$20.

(6) A highway patrol officer who presents proper identification at the time of registration under this section is exempt from the fee imposed in subsection (5)."

**Section 5.** Section 61-3-415, MCA, is amended to read:

**"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit organizations that grant wishes to chronically or critically ill Montana children.

(2) A person requesting a special motorcycle license plate under this section shall pay to the county treasurer:

(a) an administrative fee of \$5 upon issuance of the special license plate, to be deposited in the county general fund;

(b) a \$5 license plate fee; and

(c) a donation fee of \$20.

(3) The county treasurer shall remit the fees required in subsections (2)(b) and (2)(c) to the department. For each special plate issued, the department shall deposit \$5 in the state general fund and \$20 in an account in the state special revenue fund to be used by the department as provided in subsection (4).

(4) The department shall use the money deposited in the account in the state special revenue fund as provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

(5) The department shall adopt rules to identify the entity or entities that may qualify for grants under this section and to establish the criteria that an entity must meet to receive grant funds.

(6) The account in the state special revenue fund provided for in subsection (3) is statutorily appropriated to the department, as provided in 17-7-502.

(7) A highway patrol officer who presents proper identification at the time of registration is exempt from the fee imposed under subsection (2)(b)."

**Section 6.** Section 61-3-422, MCA, is amended to read:

**"61-3-422. Issuance -- application -- additional fee.** (1) The department shall issue license plates with the official amateur radio call letters to an amateur radio operator upon:

~~(1)(a)~~ application showing proof that the applicant is the owner and holder of an amateur radio station license and operator's license;

~~(2)(b)~~ compliance with the state laws relating to titling and registration of light vehicles and motor homes;

~~(3)(c)~~ payment, or proof of payment, of all other fees and taxes applicable to the light vehicle or motor home; and

~~(4)(d)~~ payment of a \$5 additional fee.

(2) A highway patrol officer who presents proper identification at the time of registration is exempt from the fee imposed in subsection (1)(d)."

**Section 7.** Section 61-3-459, MCA, is amended to read:

**"61-3-459. Veterans' cemetery fee for special veteran license plates -- disposition.** (1) Except as provided in 61-3-460, an applicant for special veteran license plates provided for under 61-3-458(3) shall pay \$10 for each set issued, renewed, or transferred, in addition to any other taxes or fees applicable under this chapter.

(2) Fees collected under this section must be deposited in the state general fund and transferred as provided in 15-1-122 to the special revenue account for state veterans' cemeteries established in 10-2-603.

(3) A highway patrol officer who presents proper identification at the time of registration is exempt from the fee imposed in subsection (1)."

**Section 8.** Section 61-3-465, MCA, is amended to read:

**"61-3-465. Issuance -- application -- additional fee -- disposition.** (1) The department shall issue or

1 renew collegiate license plates upon receipt of an application that shows:

2 (a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

3 (b) payment to the county treasurer of:

4 (i) an initial application and manufacturing fee of \$5, when required; and

5 (ii) an annual scholarship donation of \$30 for the benefit of the institution named in the application.

6 (2) Once each month, the county treasurer shall, as provided in 15-1-504, transfer to the state the total  
7 of the amounts collected for:

8 (a) the initial application and manufacturing fee for deposit in the state general fund; and

9 (b) scholarship donations provided for in subsection (1)(b)(ii), along with a schedule showing the number  
10 of collegiate license plates issued and the total donations received for the benefit of each institution.

11 (3) Once each month, an amount equal to the total donations credited to that institution and transferred  
12 to the state by the county treasurers during the preceding month must be distributed to the student academic  
13 scholarship fund or foundation of each institution.

14 (4) A highway patrol officer who presents proper identification at the time of registration is exempt from  
15 the fee imposed in subsection (1)(b)(i)."  
16

17 **Section 9.** Section 61-3-480, MCA, is amended to read:

18 **"61-3-480. Fees for generic specialty license plates -- disposition.** (1) In addition to the other fees  
19 and taxes imposed by law, an eligible person who applies for a generic specialty license plate shall pay an  
20 administrative fee of \$15 and, except as provided in 61-3-479(1)(b), the donation fee specified by the sponsor.

21 (2) The county treasurer shall, upon receipt of the fees:

22 (a) deposit \$5 of the \$15 administrative fee in the county general fund;

23 (b) notwithstanding any other provisions of Title 7, Title 17, or this title and unless otherwise provided  
24 in 61-3-479(1)(b), accept the donation fee paid by the plate purchaser; and

25 (c) as provided in 15-1-504, once each month, transmit to the state for distribution:

26 (i) \$10 of the \$15 administrative fee to the state general fund; and

27 (ii) all donation fees provided for in subsections (1) and (3), along with a schedule showing the number  
28 and type of generic specialty license plates issued and total donations received for the benefit of each sponsor  
29 of a generic specialty license plate issued or renewed, to each respective sponsor.

30 (3) If the donation fee is required by a sponsor upon renewal of generic specialty license plates, the fee

1 must be paid to the county treasurer upon renewal of registration and transmitted to the state as prescribed in  
2 subsection (2).

3 (4) Once each month, the state shall distribute to the generic specialty license plate liaison designated  
4 by a sponsor under 61-3-475(1)(c) or 61-3-476(1)(c) an amount equal to the total donations credited to that  
5 sponsor and transferred to the department of revenue by the county treasurers during the preceding month.

6 (5) A highway patrol officer who presents proper identification at the time of registration is exempt from  
7 the administrative fee imposed in subsection (1)."

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9 **Section 10.** Section 61-3-562, MCA, is amended to read:

10 **"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner  
11 of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently  
12 register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees  
13 under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic  
14 specialty license plate under 61-3-480, and an amount equal to five times the local option motor vehicle tax or  
15 flat fee on vehicles under 61-3-537 and, if applicable, when personalized plates under 61-3-406 are being issued  
16 or renewed, either:

17 (i) the original fee and four times the renewal fee for personalized plates; or

18 (ii) five times the renewal fees for personalized plates.

19 (b) The following series of license plates may not be used for purposes of permanent registration of a  
20 light vehicle:

21 (i) Montana national guard license plates issued under 61-3-458(2)(b);

22 (ii) reserve armed forces license plates issued under 61-3-458(2)(c);

23 (iii) amateur radio operator license plates issued under 61-3-422; and

24 (iv) collegiate license plates issued under 61-3-465.

25 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated  
26 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under  
27 61-10-201.

28 (3) The owner of a motor vehicle that is permanently registered under this section is not subject to  
29 additional registration fees or to other motor vehicle registration fees described in this section for as long as the  
30 owner owns the vehicle.

(4) The county treasurer shall once each month remit to the state the amounts collected under this section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303.

(6) A highway patrol officer who presents proper identification at the time of the permanent registration of a vehicle is exempt from fees imposed in subsections (1)(a)(i) and (1)(a)(ii)."

**NEW SECTION.** **Section 11. Effective date.** [This act] is effective January 1, 2010.

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